

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

DORA W. PASKEL

PLAINTIFF

v.

CIVIL ACTION NO. 3:13-cv-00899-CWR-FKB

**CAROLYN W. COLVIN, ACTING
COMMISSIONER OF SOCIAL
SECURITY ADMINISTRATION**

DEFENDANT

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter comes on pursuant to the Report and Recommendations of United States Magistrate Judge Linda R. Anderson [Docket No. 16] and the written objection to the proposed findings and recommendations [Docket No. 17]. Pursuant to Federal Rule of Civil Procedure 72(b)(3), the Court has determined de novo the parts of the Magistrate Judge's disposition to which Defendant has objected. Based upon the evidence, this Court, having given full consideration to the aforesaid objection, finds the objection is not well taken. Remand is appropriate as there is insufficient evidence in this record to support the ALJ's determination that the Plaintiff could stand for six hours in an eight-hour day. *See Lucas v. Astrue*, Civil Action No. 3:09-CV-68-SAA, 2010 WL 236220 (N.D. Miss. June 10, 2010); and *Barnes v. Colvin*, Civil Action No. 3:13-CV-007-SAA (N.D. Miss. Aug. 30, 2013) (remand appropriate where after examining record magistrate judge could not locate any treating or examining physician who ever stated plaintiff could stand and walk for a total of six hours out of an eight-hour day). Having carefully considered the Magistrate Judge's Report and Recommendations, the record and the applicable law, the Court concludes that the Report and Recommendations of the United States Magistrate Judge is correct and hereby adopts its findings of fact and conclusions of law. This cause shall be remanded for further proceedings consistent with the opinion of the Court.

SO ORDERED AND ADJUDGED, this the 25th day of September, 2014.

s/ Carlton W. Reeves

UNITED STATES DISTRICT JUDGE